

**REMARKS**

Reconsideration of the application is respectfully requested.

**I. Status of the Claims**

Claim 7 is canceled without prejudice or disclaimer.

Claims 1-6 are amended without the introduction of new matter.

Claims 1-6 are pending.

**II. Restriction Requirement**

The Examiner has required restriction between:

- I. Claims 1-6, drawn to a blood purification device having a water removing means, classified in class 604, subclass 5.01.
- II. Claim 7, drawn to a blood purification method including a step of changing a rate and a step of identifying a malfunction, classified in class 128, subclass 898.

During a telephone conversation with the Examiner on May 18, 2006, an election was made without traverse to prosecute the invention of Group I, claims 1-6. Applicants confirm that election of Group I, claims 1-6 without traverse. Accordingly, claim 7 is canceled as noted above.

**III. Objection to the Claim**

Claim 2 was objected to because of informalities. In response, claim 2 is amended to overcome that objection. Accordingly, Applicants respectfully request the withdrawal of the objection to claim 2 on that basis.

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Claims 1-6 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-3 of copending Application No. 11/209,278. That rejection is respectfully traversed. Applicants will consider filing a terminal disclaimer to obviate the provisional obviousness-type double patenting rejection once the pending claims are found to be allowable except for the provisional obviousness-type double patenting rejection.

Independent claim 1 is directed to a blood purification device, and amended to clarify subject matter recited and to include additional features. Specifically, amended claim 1 now recites, among others, features that:

said calculating unit performs a calculation in response to a result of evaluation by said evaluation unit to determine a performance of at least one of said blood pump and said blood purifier using said at least one formula.

Accordingly, the calculating unit calculates the measurement value and the theoretical value, and then, the evaluation unit evaluates whether the measurement value and the theoretical value are approximately equal. *See*, the Specification at page 12, line 5 to page 13, line 21, for example. In response to a result of that evaluation, the calculating unit performs a calculation to determine a performance of at least one of the blood pump and the blood purifier using a formula. As a result, the present invention effectively identifies which part or unit of the blood purification device is malfunctioning. Consequently, a medical staff can efficiently repair the part or unit identified to be malfunctioning. *See* the Specification at page 13, line 23 to page 18, line 23, for example.

The Examiner asserts that Brugger teaches features of the calculating unit and the evaluation unit recited in claim 1. However, Brugger merely teaches controlling a filtration rate based on comparison between the fluid reduction value derived from the pre- and post-treatment hematocrits, and the desired filtration fraction value ("FF") prescribed by the attending physician. *See*, Brugger, column 21, lines 24-53 and column 24, lines 8-34. Brugger fails to teach or suggest the above-noted features recited in amended claim 1.

Therefore, the present invention recited in amended claim 1 is patentably distinguishable over Brugger. Accordingly, Applicants respectfully request the withdrawal of the rejections of claims 1-6 based on Brugger.

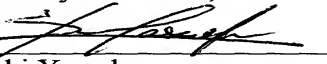
**CONCLUSION**

In view of the above amendments, Applicants believe the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

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